

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

U.S. BANK NATIONAL ASSOCIATION,

Plaintiff,

ORDER

v.

14-cv-562-wmc

SUN LIFE ASSURANCE COMPANY OF
CANADA,

Defendant.

Recently, the court lifted the stay on discovery and reset deadlines in this case, including setting a trial date. (7/22/2015 Order (dkt. #64).) Soon after, defendant filed a motion for judgment on the pleadings (dkt. #65), and a motion for stay pending resolution of Sun Life's motion for judgment. In its amended scheduling order, the court preempted Sun Life's motion to stay: "Sun Life is, of course, free to file such a motion, but the court will not delay setting a schedule to accommodate its motion." (7/22/2015 Order (dkt. #64) 2.) Sun Life has offered no valid basis for reconsidering the lifting of the stay. First, Sun Life contends that discovery could force the parties to incur unnecessary costs, but that is always a concern with discovery and not a reason to stay it. Second, Sun Life argues that discovery could pose a burden on the court because *Sun Life* intends to seek discovery which will likely require the court to intervene. The court will deal with motions to compel or for protective orders as they arise (if they arise), but Sun Life is warned again that the parties' discovery is limited to the only issues remaining in this case: plaintiff's bad faith claim and claim for 12% statutory interest. Finally, the court will endeavor to issue an opinion on defendant's motion for judgment on the pleadings in order to ease the cost of unnecessary discovery, but discovery should proceed until then.

Entered this 11th day of August, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY

District Judge